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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 ERGON ASPHALT & EMULSIONS, INC., )

11 Plaintiff(s), )

12 vs. )

13 CAPRIATI CONSTRUCTION CORP. INC., et al., )

14 Defendant(s). )  
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Case No. 2:13-cv-01683-GMN-NJK

ORDER VACATING HEARING &  
DENYING MOTION TO WITHDRAW

(Docket Nos. 38, 39, 43)

16 Pending before the Court is Defendants' motion to withdraw motion and vacate the hearing set  
17 for November 5, 2014. Docket No. 43. Defendants' counsel represents that the issues outlined in the  
18 motion to withdraw are resolved. *See* Docket Nos. 38, 43. Accordingly, Defendants' motion to  
19 withdraw motion and vacate the hearing set for November 5, 2014 (Docket No. 43) is **GRANTED**. It  
20 is further ordered that the hearing set for November 5, 2014, at 2:00 p.m. (Docket No. 39) is hereby  
21 **VACATED** and Defendants' motion to withdraw (Docket No. 38) is **DENIED** as moot.

22 IT IS SO ORDERED.

23 DATED: October 15, 2014

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26 NANCY J. KOPPE  
27 United States Magistrate Judge  
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